

Applicant: Shintaro Asano
U.S.S.N.: 09/802,093

REMARKS

In response to the Office Action mailed August 2, 2005, Applicant respectfully requests reconsideration. Claim 32 has been amended. Claims 12, 13, 17-21 and 32 are pending in the application with claims 12 and 32 being in independent form. The claims as presented are believed to be in allowable condition.

Allowed and Allowable Claims

In the Office Action, claims 12, 13 and 17-21 have been allowed.

Interview with the Examiner

The undersigned Attorney for the Applicant would like to thank the Examiner for participating in a telephonic interview regarding this application on November 29, 2005. During the interview, the rejection of claim 32 as being anticipated by U.S. Patent No. 6,912,629 to West was discussed. Applicant's Attorney provided distinctions between claim 32 and the West patent and proposed an amendment to claim 32 to further distinguish the claim from the disclosure of the West patent. The Examiner generally agreed with the Applicant's Attorney and agreed to consider the distinctions further upon submittal of this response.

Claim rejections under 35 U.S.C. 102

Claim 32 has been rejected under 35 U.S.C. §102(e) as being anticipated by West (US Patent No. 6,912,629). Without acceding to the correctness of this rejection, to further the prosecution of the application, claim 32 has been amended herein.

West is directed to a method and system for retrieving data that is stored on a backup or secondary storage system located at a remote location to a local storage system (see Abstract). In contrast, claim 32, as amended, is directed to a system for remotely monitoring over a network a data back-up process associated with a remote computer and a storage device operatively coupled to the remote computer. The system of claim 32 includes a network computer having a network connection to couple the network computer to a network, the network computer being programmed to: receive an electronic message sent over the network by the remote computer, wherein the message indicates that the remote computer is prepared to start a data back-up

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process; send an electronic message to the remote computer to instruct the remote computer to start the data back-up process to store data on the storage device; monitor the data back-up process being performed by the remote computer; and send a message indicating a status of the back-up process; wherein the network computer is programmed to instruct the remote computer to start the back-up process using data stored on the remote computer.

Accordingly, while the disclosure of West is directed to a system for restoring data, claim 32 is directed to a system for remotely monitoring a data back-up process associated with a remote computer. As discussed with the Examiner during the interview, the portions of West cited in the Office Action are directed to a restore process 300 rather than a system like claim 32 for monitoring a data back up process in which, among other limitations, a network computer sends an electronic message to a remote computer to instruct the remote computer to start the data back-up process to store data on the storage device. Based on the foregoing, claim 32 is patentably distinguishable over West, and the rejection of West under 35 U.S.C. §102 should be withdrawn.

CONCLUSION

Based on the foregoing, this application is believed to be in allowable condition and a notice to that effect is respectfully requested. If the Examiner has any questions, he/she is invited to contact the Applicant's Attorney at the number provided below.

Respectfully submitted,

By: 

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